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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,146	06/08/2005	Yoshiharu Iwai	CSP 117-A	8701
	90 01/10/2007 CKMAN AND ASSOCIA	EXAMINER		
24101 NOVI RO		DILLON JR, JOSEPH A		
SUITE 100 NOVI, MI 48375			ART UNIT	PAPER NUMBER
			3651	0
SHORTENED STATUTORY	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE .	
3 MONTHS 01/1		01/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)			
Office Action Summary		10/538,146	IWAI ET AL.			
		Examiner	Art Unit			
		Joseph A. Dillon, Jr.	3651			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
WHIC - Exten after: - If NO - Failur Any n	DRTENED STATUTORY PERIOD FOR REPLY HEVER IS LONGER, FROM THE MAILING DASSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing d patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATE OF	ATION. Bly be timely filed HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on <u>08 Ju</u>	<u>ne 2005</u> .	•			
· <u> </u>	This action is FINAL . 2b)⊠ This action is non-final.					
	The state of the s					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
5)□ 6)⊠ 7)□	Claim(s) <u>1-27</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdray Claim(s) is/are allowed. Claim(s) <u>1-27</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers						
10) 🔲 -	The specification is objected to by the Examine. The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the order of the oath or declaration is objected to by the Ex	epted or b) objected to by drawing(s) be held in abeyance on is required if the drawing(s	e. See 37 CFR 1.85(a).) is objected to. See 37 CFR 1.121(d).			
Priority u	nder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
2) 🔲 Notice 3) 🔯 Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) No(s)/Mail Date <u>six</u> .	Paper No(s)/	mmary (PTO-413) Mail Date ormal Patent Application			

DETAILED ACTION

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim(s) 1, line(s) 3, "to which" is not reflective of applicant's invention(s). The examiner suggests changing this to –on which-- or –through which--. Further, action, typically employed in method claim(s), without associated structure, required in apparatus claim(s), make it unclear if the applicant is attempting to positively recite any particular clause. Accordingly, any such structureless action is not afforded patentable weight. In claim(s) 1, this raises questions of indefiniteness. In particular, line(s) 6, "separable", line(s) 11, "separated" & line(s) 12, "relayed". Additionally, "separable" recites a mere possibility, akin to intended use claim language. In line(s) 12, "said driver"; which driver is being referred to? In line(s) 12, "foremost & "line(s) 13, "adjacent"; an orientation has not been established.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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- (c) he has abandoned the invention.
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- (f) he did not himself invent the subject matter sought to be patented.
- (g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

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4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by either Kroll (6,554,127) or Bellezza (WO 2003/055774).

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5. Claims 1, 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Herzog et al. (6,047,813)).

Conclusion

- 6. Claims 2-3, 6-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph A. Dillon, Jr. whose telephone number is (571)272-6913. The examiner can normally be reached on 8-5:30, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY PATENT EXAMINED

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